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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107-4431

August 23, 1995

Mr. Frank Henderson, Deputy Director
Harford County Department of Public Works
1807 North Fountain Green Road
Bel Air, MD 21015

Re: Bush Valley Landfill

Dear Mr. Henderson:

The U.S. Environmental Protection Agency ("EPA") is in receipt of your letter dated July 5, 1995, regarding EPA's decision to disapprove the draft final Feasibility Study ("FS") and the Agency's reasons for doing so.

As stated in EPA's June 8, 1995 letter to you, it is EPA's responsibility to provide complete and accurate documents for the public to review in the Administrative Record during the remedy selection process. Due to the deficiencies found in the draft final FS, noted in EPA's June 8, 1995 letter, EPA determined that disapproval of the FS was necessary. EPA's decision to proceed under Section VIII(L)(2) of the Administrative Order on Consent ("the Order") in order to avoid any further delay in issuance of the Proposed Plan was not intended to insinuate that the County was in any way attempting to delay the process. However, the fact remains that if EPA had chosen to require Harford County ("the County") to re-revise the draft final FS in accordance with EPA comments, there would have been at least a 30-day revision period, followed by an Agency review period, which would have resulted in at least a 30-day delay in issuance of the Proposed Plan. This delay was avoided by proceeding under Section VIII(L)(2) of the Order. EPA does not consider either the decision discussed above or the reasoning behind it to be "unreasonable."

EPA is aware of the County's concerns regarding the number of project managers both EPA and the Maryland Department of the Environment ("MDE") have had assigned to the Site. EPA does not agree that this situation has caused the "difficulties we have been experiencing over the last four years". First of all, EPA does not believe that there have been a lot of "difficulties" at this Site over the last four years. As mentioned in your letter of July 5, 1995, EPA and the County have fundamental differences of opinion regarding some aspects of the Site. It is EPA's view that these differences have led to many of the issues that have arisen during the development of the RI/FS.

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Both EPA and MDE are operating with limited staffing resources; however, there has been a project manager assigned to the Site at all times and the project has continued to move forward. Furthermore, had Geraghty & Miller, Inc. addressed EPA's draft FS comments as discussed in our April 24, 1995, meeting, the draft final FS would most likely have been accepted as final.

The following is an item by item response to the individual comments you provided in your July 5, 1995 letter:

A.1. EPA acknowledges your agreement with this comment.

A.2. EPA acknowledges your clarification of this issue and re-emphasizes the importance of design specifications which would minimize any of the potential adverse effects to wetlands due to groundwater extraction and discharge scenarios.

A.3. The RI/FS is not the appropriate forum for identifying PRPs for a Site. The process of PRP determination is separate and distinct from that of remedy selection. Any dispute regarding liability is not limited to information in the administrative record supporting the remedy. EPA did not include any statement in the final RI/FS regarding the County's status in this regard. Rather, EPA included some basic information about the operational history of the Site because understanding this history puts the remedy selection in context and sometimes provides information that is useful in interpreting the available data. EPA routinely includes this type of background operational history in the administrative record for remedy selection, and routinely excludes determinations regarding a party's potential liability (unless such a determination is contained in a letter or other document that provides other relevant information which cannot be obtained elsewhere).

A.4. EPA's purpose in requesting that language be added to the FS regarding additional response actions was to make it clear to the community and any interested parties, that if EPA chose an alternative that consisted of natural attenuation accompanied by monitoring to address the ground water contamination, and the selected remedy did not prove to be protective of human health and the environment, EPA would follow-up and ensure that additional measures were taken to ensure that a protective remedy would be implemented. In the Agency's experience, failure to include such language can lead to confusion and undue concern on the part of some readers of an RI/FS or ROD. This type of statement does not undermine the basic determination that EPA would make in selecting natural attenuation accompanied by monitoring, namely, that the available information supported the judgment that such a remedy would prove to be protective.

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A.5. Of course, additional investigations and data gathering would be necessary during remedial design of a ground water treatment system; that is almost always the case with Superfund remedial actions. However, the purpose of a ROD is to select a remedy, not a concept of a remedy. Therefore, as EPA has discussed with the County on more than one occasion, if ground water treatment were deemed necessary, either 4a or 4b would be selected.

A.6. No comment necessary.

A.7. See response to A.4., above.

A.8. The County is correct in stating that the exact sampling locations will be determined in remedial design. Exact sampling locations will also be subject to EPA review and approval. At this point, it is anticipated that all local streams will be sampled as part of the ecological monitoring program.

A.9. No comment necessary.

A.10. No comment necessary.

A.11. No comment necessary.

A.12. See A.2. above.

A.13. No comment necessary.

A.14. See A.5. above.

A.15. No comment necessary.

A.16. EPA does acknowledge that organic contaminants present in the ground water are undergoing natural degradation processes. However, this is supported by site-specific data, namely reductions in organic contaminant levels in monitoring wells at the Site over time. What still can not be supported to date, based on any site-specific data, is the assertion that the wetland species will be capable of removing inorganic contaminants from discharged ground water.

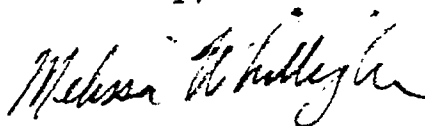
B. As noted in EPA's June 8, 1995 letter, due to the fact that this information has not yet been gathered, it is anticipated that a door-to-door survey to gather this information will be required during remedial design.

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Should you have any questions or concerns regarding any of the above, please contact me at (215) 597-1286.

Sincerely,

A handwritten signature in cursive script, appearing to read "Melissa Whittington".

Melissa Whittington, RPM
VA/WV Remedial Section

cc: M. Mosco (MDE)
M. Preston (EPA)
P. Ludzia (EPA)

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